

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

TEMPTIME CORP.,	:	
	:	Civil Action No. 08-4277 (FSH)
Plaintiff,	:	
	:	
v.	:	<b><u>ORDER</u></b>
	:	
TIMESTRIP PLC, <i>et al.</i> ,	:	
	:	June 2, 2009
Defendants.	:	
	:	

This matter coming before the Court upon Magistrate Judge Schwartz's April 27, 2009 Report and Recommendation recommending that as a sanction, "the United States District Judge, pursuant to Fed. R. Civ. P. 16, strike defendants' Answer and that leave be granted to the plaintiff to seek the entry of default and default judgment;" and

it appearing that no party has filed an objection to the Report and Recommendation, and that the time to file and serve such objections has expired, *see* L. Civ. R. 72.1(c)(2); and

this Court having reviewed *de novo* the Report and Recommendation, and good cause appearing;<sup>1</sup>

**IT IS** on this 2nd day of June 2009,

**ORDERED** that Magistrate Judge Schwartz's April 27, 2009 Report and

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<sup>1</sup> As described in the Report and Recommendation, Defendant Timestrip PLC ("Timestrip") has a history of noncompliance in this case: Someone other than an attorney licensed to practice law before the Court filed an Answer on Timestrip's behalf. Timestrip was notified that it is precluded from proceeding in this case without hiring any attorney, but has nonetheless failed to secure counsel. Timestrip was on notice of the Rule 16 conference, but failed to appear. Finally, Timestrip failed to provide a written submission in response to the Magistrate Judge's Order to Show Cause dated April 3, 2009. For these reasons, striking the Answer and allowing Plaintiff to seek the entry of default and default judgment is an appropriate sanction.

Recommendation is adopted as the Opinion of this Court; and it is further

**ORDERED** that Defendant Timestrip PLC's Answer [Docket No. 16] is **STRICKEN**;  
and it is further

**ORDERED** that Plaintiff is granted leave to seek the entry of default and default  
judgment pursuant to Fed. R. Civ. P. 55.

/s/ Faith S. Hochberg  
Hon. Faith S. Hochberg, U.S.D.J.